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ANSWER

TO

MR. PRINCEPS'S OBSERVATIONS

ON THE

MOCURRERY SYSTEM.

BY

THOMAS LAW, Esq.

K

Auxit felecltatum imperii Nerva Traganus, nec spem modo
ac votum Securitas publica, sed ipsius fiduciam ac robur
Assumpfit.

C. C. TACITI AGRICOLA

LONDON:

Printed for R. FAULDER, Bond Street,

1794

ANSWER

MR. PRINCIPLE'S OBSERVATIONS

MOONBERRY SYSTEM

THOMAS BARNES



LONDON:
Printed for J. LUBBER, 10, St. Paul's Churchyard.

1821

TO THE
RIGHT HONOURABLE
MARQUIS CORNWALLIS,

AS A
TESTIMONY OF ESTEEM
FOR HIS
PUBLIC AND PRIVATE VIRTUES,

AND OF
Gratitude for the Friendship with which the Author
has been honoured by him,

THIS PAMPHLET IS INSCRIBED,

By his obliged,
and affectionate
humble servant,

THOMAS LAW.

MAJOR CORNWALLIS

PUBLIC AND PRIVATE VIRTUES

Gratitude for the Author's work with the Author
has been donated to the

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of the

and the

Public Library

THOMAS LAMONT

A

INTRODUCTION.

PRUDENCE dictates a mistrust of every new experiment, and habit instills a partiality for old systems. Those, therefore, who hazard alterations, must have a firm conviction of their feasibility, to support them against the prejudices of custom, and the imputations of speculation. The plan which is now presented to the Public, and which has been adopted by Government, was once exposed to doubts, difficulties, and disapprobation. In England, as well as in Asia, it met with considerable opposition, and like every novelty, was deemed speculative and unfounded. Time, however, which reveals the truth

viz²
Change of
System
only?

when?
where?

speculation
then!

how?

— truth or fallacy of every experiment, has at length given the sanction of experienced practicability, and conferred a solid reputation upon the Mocurrery system. The pleasure which I have received from its success, can only be conceived and felt by those, who, in similar situations, have made an important experiment, upon which not only their own reputation, but the prosperity of their own country, and the happiness of five-and-twenty millions depended. Though this plan, which I had the honour of recommending to Lord Cornwallis, has been adopted by the Board of Control, and carried into execution; yet as Mr. Prinsep has thought proper to re-publish those letters, which appeared in the Morning Chronicle of 1792, I feel it incumbent

cumbent upon me to justify a measure, which he appears to have misunderstood. I am also induced to publish this reply, from a wish to do justice to that part of Lord Cornwallis's character, which is least known, though not least deserving of admiration. Let future historians represent him as the preserver of our Asian territories, and the conqueror of Tippoo Saib: be it my task to describe him in the less striking, but not less useful, office of a humane and judicious Legislator. And no one can be more capable of doing justice to this part of his Lordship's character than myself: as I had a long correspondence with him on the subject, was honoured with his confidence, and was employed by him

*more than
he had the
Authority for
giving*

him in putting that plan into execution, which will for ever render his Administration a blessing to the natives of INDIA.

AN

ANSWER,

&c., &c.

IN order to render the subject intelligible to Europeans as well as Asiatics, I shall explain the former tenure of lands in Bengal, and then shew the justice and policy of those alterations which were recommended by me, and adopted by Lord Cornwallis. The usage in Bengal and Bahar, was (in consequence of an order from the Company) to advertise for the revenues of a district, and

B

the

*of the Company
only
that but
lately -*

** The Act of P^t says, that former Measures shall be
reverted.*

the best propofal was received. The per-
 fon who engaged for one or more years, to
 pay by monthly instalments a certain re-
 venue, was not always the Zemindar of the
 diftrict, and was termed the Aumil. He
 engaged to pay over and above his revenue
 to Government, all eftablifhments, to pre-
 vent robberies, to preserve the Zemindary
 rights, and not to opprefs the Ryots, and to
 repair roads, &c. Formerly, the Zemin-
 dars, like feodal lairds, ufed to pay a certain
 tribute to the fovereign; but as the Com-
 pany wifhed to obtain the utmoft from their
 eftates, they were put up to farm by auction,
 whereby the competition of needy and ad-
 venturing Aumils was introduced, and with
 them oppreffion and extortions of every na-
 ture. Whenever the perfon who engaged
 with Government, preferred the offers of
 Iazardars, (under-renters) to thofe of the
 Talookdars or Zemindars, he was obliged

*He bribed G.^d to favour
 fice the refult of the
 Subject to his own
 capacity
 indefinite
 condition
 how early?*

Sc.?

*best mode of
 collecting reve.*

*by the late refult
 propofitions of
 the Soil! By Mr. Lums own Decision*

"Proprietary share" viz^a a compensation for being
 suspended from the beneficial functions of ^{attached to job}
 collecting office [3] of a Collector of the land tax

to compensate those excluded, by allowing
 them a proprietary share, termed *Maliconneh*.
 Those who under-rented of the Aumil,
 gave pottahs or leases to the Ryots, but as
 Government too often made its engage-
 ments after the crops were sown, the Au-
 mils, or under-renters then demanded more
 than the Ryot could afford to give, and in
 that case, the rice crops were divided, and
 the sugar canes were taxed at so much per
 acre, upon the average of former years.
 The Aumil after engaging with the Huz-
 zoor, or with the European collector, went
 into the country, and summoned the Ca-
 nongoes to shew what number of villages
 the district he had farmed contained, and
 in what manner his predecessors had col-
 lected. Some villages payed revenue to
 Government, others were tax free, and
 some were allotted to the Zemindars in lieu
 of *Maliconneh*.

?
 if found them
 imposed

or shadower
 covenanted to
 pay

P. 13 G.D. Sp
 bottom

not rent free
 certainly except

The Muxah & Charity
 Land with neither of
 which he had any right
 From
 to transfer

in what
 proportion?

Ryama
 Muxah
 Chauran

From this brief statement of the farming system, it is sufficiently evident, that no plan could have been devised more impolitic, or prejudicial. From the Aumil to the Ryot, there was no security in their property; the Aumil oppressed the Zemindar, the Zemindar oppressed the Ryot, who without any means of redress, really suffered those hardships, which Mr. Prinsep complains that he is now subject to. And thus while there was no security to the possessors, industry and exertion were without a stimulus or reward; the country was less cultivated, and the revenues of the East-India Company suffered a considerable diminution.

It was a painful observation of the evils of this system, that encouraged me to persevere for the attainment of a better, and happily for those in whose cause I pleaded, Lord Cornwallis attended to and adopted

my

*never defended
by DDH*

or Zardar

*not for the res-
toration of the
Indostan
Constitution*

enjoined by Act of Mr

my plan, in opposition to every Member of the Council, and has secured the happiness of the Asiatics, by the wisest regulations. I went not on, urged by zeal alone, without having entered into the minutiae of the whole system. I translated numberless Canongoey papers, and Ryot's accounts, and every one shewed me that the Ryot always ended the year in debt, and that he was often obliged to sell his plough and cattle*; I began therefore the experiment of the Mocurrery settlement in a few Perganahs, and had the satisfaction of finding that it succeeded even beyond my expectation. From all my investigations, I found the Zemindars, Proprietors of the land; if however, they had not been Proprietors, it would in my opinion have been advisable to establish landholders, "because, of all
"despotic Governments, there is none

As Shone.

////

Forbidden to be seized for rent

GD-91

denied

They were not to be seized by virtue of the Act of P^r which confer no such authority

* See Appendix A, upon the Canongoey Office.

Landholders were established. The occupant was which the landholder ^{legally} accountable only for the land tax - by prescription for the different Abwabs, which by their enormity had grown oppressive the Ryot was even the proprietor

Some think Despotie Power administered
with integrity & active intelligence the best
Gov^t under the Sun [6]

“ which labors more under its own weight,
“ than that wherein the Prince declares
“ himself Proprietor of all the land, and
“ heir to all his subjects.”

who is the
Pr^{ince}? that
is the question

he can on every
ryot
why not?

Structures

The basis of all improvement being the
security of property, the land tax is there-
fore fixed for ever with every Proprietor of
the soil. The Collector on the part of Go-
vernment cannot now vary the land tax *ad li-
bitum*, by putting increased demands upon
improved estates, and by granting deductions
to others which decline, or in other words,
he cannot punish industry, and reward
mismanagement. The amount to be paid
by each village is upon record, and every
native has an appeal even from an European
Collector to a Judge upon the spot. Here-
tofore the offices of Collector and Judge
were vested in the same person, and his au-
thority was extended to spots five hundred
miles distant from him, although these
places

places were not perhaps a mile from the court of another Collector. All these remote territories were of course beyond control, and proved an assylum to robbers, whilst the Ryots were at too great a distance to obtain redress.—See Appendix (B.)

In respect to the Ryots, the Zemindars are required to enter into explicit engagements with them, and the vague term, "Customary cesses," which used to be inserted in their leases, is now prohibited. So far from the Ryots being at the mercy of the Zemindar, they are now totally independent of him, and refuse to cultivate upon the old terms of paying so much for cotton, sugar, &c., exclusive of indefinite cesses. "Give me, says the Ryot," a certain number of acres for a certain number of years, and I will pay you an annual sum by a written agreement: I shall then be at liberty to consult my own interest in cultivating

see 4th
Reg of 1793

again
he had an
order they
are taken away

* L^d C^{'s} last Ordinance prohibited the farmers from granting long leases to the Ryots & abolished those existing at the time

vating the most productive articles, unimpeded by valuations, unharassed by expensive attendances, and uninjured by extortions and losses. If you do not accept of my terms, I have offers from your neighbours very advantageous, and to them will

to after aban- I go: You cannot get me brought back
Doning my under pretence of balances, nor dare you
House Garden restrain me. I have an independent Judge
in Neighbourhood at hand to give me redress. He will not
 listen to your former arguments, that you
 cannot collect your revenues unless supported, and that if you cannot liquidate the
 revenue, that he will lose his share of the
commission, and perhaps be removed on
 account of balances. You cannot now
 bring Canongoes to give any statements
 agreeable to you, because they relied upon
 you for payment of their salaries, and for
 douceurs. You cannot now get * Duf-
tucks
These Officers
I can neither
support nor
detect of
they are abolished

* The persons summoned by a Duffuck from the European

tucks upon me under frivolous complaints,
and thus ruin me. You cannot now scourge
me for pretended balances: You cannot
now stop the transport of my grain, sugar,
cotton, &c., as the Sayr duties are abolish-
ed. In short, I am at liberty to employ
my stock in cattle and ploughs to the best
advantage, and you are at liberty to make
the best bargain for the soil. The Govern-
ment cannot encroach upon you; nor can
you upon me, every thing ^{each} indefinite is an-
nulled. We have only to pursue our own
interest, which is the *primum mobile* of every
exertion, and to beware of violating the
rights of others, and the engagements we

European collector, or the Zemindar were obliged to
pay wages to the Hircarrahs or Bailiffs, who were
sometimes multiplied upon them, till they extorted
compliance: having been a witness of this evil, I re-
presented it to the Revenue Board, and obtained its abo-
lition. Since this regulation, the Rolls of the Court
have not been filled with cruel and false complaints, and
if this were all which had been effected for the Ryots,
it would have been a great boon for them.

but what more has been done? ^C ^{enter} What
has this exemption from gross violence
cost the Ryot? His frecholds!!!
probably his livestock & stock.

L
was once
mine

? ? ?

certainly

enter into, lest the law should punish us." Such is the language now held by the Ryots, who are emancipated from the power of the Zemindars, instead of being at their mercy. They stand entirely upon the footing of an English cultivator or farmer. The bailiffs, appraisers, and superintendants are the only men who complain, for they have lost their trade, and instead of preying upon the industrious, must themselves take to the loom or the plough.

Mr. Prinsep, in his letter to Mr. Wilberforce, has compared the Ryot to the negro slave in the West Indies, and has even given the preference to the situation of the latter; but as his reasoning proceeds upon the supposition of the Ryots' being "sub-
 jected for ever to arbitrary and undefined claims," I shall only observe, that he is mistaken in his facts, and that the Ryot is at liberty to make what agreement he pleases;

for the rent of Land which till now ^{that} were deemed their own at a fixed Land tax

*subach
 for what
 they were
 P. A.*

that the customary cesses are done away for ever ; and that he is in every respect as free as the cultivators of Great Britain. Lord Cornwallis would have been no more justified in depriving the Zemindars of their property, and giving the possession of the land to the Ryot, than our Government would be, in dispossessing the landlords of their inheritance, in favour of the tenants.

The Sovereign was the landlord

The policy of this measure is no less striking than its justice. The certainty of what each individual ought to pay, is in taxation a matter of such great importance, that a considerable degree of inequality is not so great an evil, as a small degree of uncertainty *. Government therefore began its new system, by limiting its own demands, and establishing a land tax with each Proprietor, and by abolishing all feudal

* See Adam Smith.

*Which also the practice in levying
our Land tax*

taxes and tributes, for which the Zemindar received a compensation.—The benefits which followed from these regulations, may be deduced under these different heads :

I. Zemindary Tenures.

Lord Cornwallis, upon his arrival, found that a hasty decision of the Revenue Board had annulled the rights of the Proprietors, although functioned by the Company from the first moment of their possession. [✕] The Zemindars were all complaining of the injustice; and those who had purchased the estates, required the return of the money.

His Lordship did not adopt the language of one of the Members, "that to petition at that period was to disobey"; but he minutely investigated their rights, and the Court of Directors, in the strongest terms, condemned the levity with which the hereditary landholders had been declared merely officers,

to whom.

*when. by whom.
how hasty.
is was his own
more deliberate
see back p. 2*

*contradicting
themselves*

officers. Rajah Mitterjeet Sing, a Zemindar in my district, whose father and grandfather were murdered by Cossim Ally for assisting the British Government, succeeded to thousands of troops, to fortifications, and all the splendor of a feudatory Chief; but when I was appointed to the district, I found an out-bidding farmer in possession of his country, who was of the lowest origin, unable to write or read, and notoriously profligate. That young Zemindar is now in possession of his estate, is building houses, making roads, and extending cultivation. Lord Cornwallis restored their estates to all the Zemindars.

*"I turned him out"
Now came him possession
was he ever
indemnified for
the purchase he
made of it!*

X II. Zemindary Jurisdictions.

The Zemindars heretofore enforced ordeal trials, which were in general by putting the hand into burning oil, or into a pot containing a most venomous snake. They

** They appear to have made a most religious & humane use of their Power - There is the Jurisdiction was inherent - where is the right to control it*

collected marriage fees, imposed fines, and levied tolls, *ad libitum*. These prerogatives, so injurious to Ryots, &c. are now abolished; and thus is stopped the source of infinite misery and oppression.—For particulars, see the Appendix (C).

III. *Fluctuating Land Tax.*

The Zemindars, under pretence of their secreting the resources, were deemed an injurious class, and were often forced into rebellion by the extortions of high-bidding Aumils, who seized their houses, goods, and chattels, and often sold their estates. These temporary Aumils neither repaired reservoirs nor roads; neither planted trees nor dug wells; in short, ~~that~~ whenever industry attempted improvement, it was nipped by rapacity. This destructive system is now abolished, and the Zemindars have a fixed land tax,

It would have been an effectually stop by withholding the acknowledgement of their claims to the Soil if that claim was unfounded?

IV. The

them under the Control of Govt.
 Allowances were made for doing
 Copies sent to

IV. *The Ryots' Condition.*

The uncertainty which the Zemindars experienced, was felt by the Ryots. It was ascertained, that even if a lease were given to them by an Aumil, that it was always infringed, under some specious pretence.

Lord Cornwallis therefore deputed Mr. Harrington to Seroopore, and searched to the bottom of the subject. He had examined the measures pursued in Midnapore, and lamented the evil and uncertainties of minute scrutinies and measurements. The

principle was to bestow as much as possible, and to take away as little. The Ryots are now independent men; they cannot be forced to cultivate; they are not liable to confinement or corporal punishment at the will and discretion of a farmer. They are not exposed to indefinite claims and cesses; they engage for a specific sum and a certain

* number

*they then
had leases!*

*but did not
demonstrate*

*they have
nothing to
call their own*

* They are prohibited taking leases for more than 10 yrs by the 44th Regⁿ of 93. & during that short term if the Zem becomes insolvent the lease is void!!

where?

*90-42-75.115.
to 90-53*

number of years, instead of yearly, as before, and their engagements are recorded.

And, which seems not to have been noticed by Mr. Prinsep, if any of them have copyhold or freehold rights, the Court of Justice will confirm them.

*See Investigator
Hyrical*

inhabitant
V. The Owners of Rent-free Lands.

only?

*No!
See p. 100 of 2d*

They are not now exposed to the encroachments of Zemindars and Farmers; they are not obnoxious to their interference, but may cut down their harvest when ripe. They are not liable to scrutinies of their titles by a Collector or a Delegate from Government, in whose character was combined that of prosecutor and Judge; but they are independent, answerable only to a plaintiff, whether it be the Company or an individual, before a Judge, from whom there lies an appeal. — For particulars, see Appendix (B).

VI. The

VI. *The Pensioners of the State.**irrelevant**to the question of**Ryotty Tenures*

These receive their salaries from the Collector, and can no longer complain, as they did before, that the Aumils refused payment, or that they lost their pittances when the Aumil absconded, or was in confinement. The blind, the lame, and the old are now sure of enjoying their pensions; and, on the other hand, Government is secured from any augmentation by forged titles.

*has it yet**ascertained**all the facts? how?*VII. *The Criminal Jurisdiction.**irrelevant*

Lord Cornwallis has abolished torture * of every kind; he has established Courts of Circuit;

* Condemned wretches used to be staked, or seated upon wood, with a sharp point, which sometimes did not penetrate a mortal part, and they therefore survived many hours in torture. I remember an order,

D

from

Circuit ; he has taken from every class of landholders the privilege of keeping establishments to preserve the police, for these were frequently the very plunderers and murderers who infested the country. He found that the jurisdictions of the Collectors and Judges were intermixed and confused, which was productive of many prejudicial effects, and therefore ordered that the limits of every district should be properly defined, and that a Court of Justice and a jail should be erected on a central spot in each district.

VIII. *The Courts of Justice.*

Lord Cornwallis at first re-united all the Dewanny Courts, which had been separated

from the native Foujedar, for some robbers to lose their left hands and right feet ; most of them died, after much suffering ; a few, however, were preserved by the humane and skilful exertions of the surgeon at Gya, who was called in too late to save the rest.

from

from the Collectorships ; but after three years local knowledge, the Courts of Justice were finally separated. The Collector has power to distrain for arrears of revenue, but he is amenable to a distinct Court, if he should abuse his trust. This Court is the palladium, which shields the proprietor, the cultivator, and the merchant from all invasion of their property. Confidence is secured, and industry excited.

*What are the fees?
see 4 Sep 75.*

IX. *Reservoirs and Repairs.*

inhabited

Mr. Dalrymple observes, that in the Company's Jaghire on the Coromandel coast, there are 1480 reservoirs, which in 1776, were in a worse condition than in 1764. At the same time the annual taxes collected for their repair were very considerable ; and such ever must be the necessary consequences, where property is insecure ; for how can a country flourish, where every one has an opportunity of defrauding Government, and

of oppressing the tenants, and where no one has a permanent interest in improvement? Hence arose the necessity of a remission of tributes, which the Zemindars were incapable of paying, and which occasioned great defalcations in the Company's revenues: their records were full of failures, and at one time they remitted a crore of rupees, under the head of irrecoverable balances. The repair of the water courses and reservoirs is of the utmost consequence, and the neglect of it has even brought on a famine in the land. In the Northern Circars one half of the wretched inhabitants perished by a famine, which a proper attention to the reservoirs would have prevented. The necessity of keeping up these reservoirs is not obvious and striking to us, who live in a climate which is not subject to such long-continued droughts as prevail in the East-Indies. After a long intermission of rain, it at length descends in torrents, which,

*say lack of
of fines / murrum
the position
is admitted*

which, unless kept in and contained in the reservoirs, deluges the country, thus what with proper care would have fed and improved the crop, now lays it waste, and where nothing is reaped by the Farmer, nothing can be paid to the Collectors. What the effects of the Mocurrery settlement have been, in the Pergunnahs where I made the first trial of it, *even after a murrain of the cattle, and in the most unfavorable season*, the following extract from the Bengal revenue letter, March 6, 1793, affords the most pleasing and convincing testimonies: X

“ We have not made any alteration in the
 “ Mocurrery settlement concluded by Mr. Law
 “ in the four Pergunnahs in the collectorship
 “ of Babar Proper, alluded to in your letter,
 “ excepting that the abolition of the Sayer
 “ or internal duties, and the regulations
 “ which have been passed respecting the rights
 “ of the immediate cultivators of the soil,
 “ and

what are they?

*Nothing that follows remedies the mischief
 of leaving the Reservoirs to decay*

“ and other points connected with the general plan of settlement, have been extended to the proprietors and possessors of the land, and to the Ryots throughout the country.

Ryots { “ We shall announce to the holders of the
Sc. { “ lands in these Pergunnahs, that you have
 “ been pleased to declare their tenures perpetual, provided they continue to discharge the stipulated revenue, and we doubt not that this declaration will animate them to persevere in the exertions which they have made to bring their lands into a flourishing state of cultivation, under the discouraging circumstances of three successive seasons of drought, in a part of the country in which the soil is in general dry and unproductive.”

The effects of the Mocurrery plan have here been put to the proof, and in a most trying season, and if in this infant state, and under such circumstances, no failure has been experienced, we may rest in the pleasing certainty, that its future effects will not

not disappoint the wishes of its warmest advocates. An increased revenue in Bengal of £. 400,000 per annum, is acknowledged by Mr. Dundas to have been realized by the Company; and the letters of Sir J. Shore, who at first entertained not the most favorable opinion of the plan, give us every reason to expect a continuance of the present prosperity. The patriot therefore may rejoice in the prospect of a flourishing commerce, and of rising resources in the East, and may also enjoy the satisfaction of reflecting that they are not wrested by the hand of extortion from the labors of the poor, but that their prosperity increases with the increase of the revenue.

Such is the plan which I had the honor of recommending, and these the regulations which were adopted. Mr. Prinsep, however, condemns them, and let us now consider some of the arguments, by which

he

proves nothing as to the right to the soil
to reduce a copy before to indifference & contempt him who takes & con- sels him to labor is not then extortion !!!

where

he supports his opinion. He terms the Ryots *freeholders*, because the Ryots had perpetual leases in the environs of Calcutta, and in the 24 Pergunnahs, the Zemindary of which was given to the Company, and who also acted as sovereigns. It is, however, a curious fact, that part of the 24 Pergunnahs was restored to the former freeholders or Zemindars by the Company, from a consciousness of the injustice done by dispossessing them. In December 1776, Mr. Hastings humanely writes as follows: "The 24 Pergunnahs are at present the Zemindary of the Company, by the *dispossession* of the *legal proprietors*, whose *hard case* I have long since recommended to the Company." The Mogul Government was guilty of an injustice; and this might be pleaded as an example to prove the custom; but surely, *power* and *right* are not synonymous.

By no means

Mr.

*Amirpresto
Sall through
Bengal
Angus Achary*

** Office
not property*

Mr. Prinseps has made some confusion and obscurity in his letters, by considering a Pottah as sometimes implying simply a lease, and sometimes a perpetual tenure. The fact is, that when the Company obtained the Zemindary of Calcutta, they ordered a measurement, and gave Pottah in perpetuity for all the lands in their Zemindaries. And this they did, because they were both Zemindars and sovereigns; but a Zemindar in the country had not the same power, because he was exposed to a fluctuating land tax, and increasing demands. The leases, therefore, which he gave were annual, and at any rate not valid beyond the term of his engagements with Government. All the inquiries which I made on the subject, convinced me that the Zemindar has always been acknowledged Proprietor of the soil; but this Mr. Prinseps controverts, and terms him an Officer.

This engagement was definite he could not have a perpetual tenure in the Soil

*where —
different
Pottahs confer
diff. tenures
a Ryot or Mo
Currey Pottah is
a perpetual tenure
or Copy hold of
Inheritance
an Harn Pottah
in the country only
for a limited time
by law
Usage &
Custom Ergo
he was not
Prop. but
Collector.*

how?

No.

My own opinion is, that in his double capacity of owner of the soil and preserver of the police, he acted both as proprietor and as officer. The King could demand of him what portion he chose of his estate, or he could remove him if he was disaffected, or if he neglected his duty, and in that case, the King allowed him lands in lieu of his portion, as Proprietor of the soil. Formerly the Lairds in Scotland, and Barons in England, were obliged to join the standard of their sovereign, in times of war, and were compelled to pay tribute, and they exercised the power of imposing fines, and held Courts of Justice; but these injurious rights have been taken away, and the proprietary rights remain. The same has been done in Asia.

Whether the Zemindar is called Proprietor or Officer, is of little moment, if we can define his rights. "A rose, were it not called a rose, would smell as sweet." By what rights had he exposed to a fluctuating & decreasing demand. By if the King c^d demand &c

By two cases which came under my own notice in Serris Cotomba, I will shew the idea of the Hindoo Zemindar, and the Mussulmah Ultumgadar and Jaghiredar, and by a simple statement of facts, hope to throw one new ray of light upon the subject.

here

The first case is as follows :

Nabob Fuckeruddowlah, by his influence at Delhi, obtained a Royal Sunnud, granting him in Ultumgaw, the villages of a hill Zemindar. When he went to take possession, the Zemindar assembled his troops and Ryots, and sent the Nabob a message that he was ready to pay to him all that the sovereign could bestow away, namely the annual tribute of some thousand rupees. This the Nabob rejected, and offered to the Zemindar Maliconneh, urging, that the King being absolute, could not have his demands limited,

Under our Gov^{ty}

See last page portion

which was the whole income of the whole or what portion of it he chose to take away" - 26

limited; but as some of the Zemindars in Bahar were allowed in some places a fourth or upwards of the land, in lieu of their proprietary share, he would not insist upon giving him only a tenth, *afterward* which was the Zemindar's portion fixed by the Company, in lands paying revenue to the company, but would enter into a compromise. This the Zemindar refused, and in defiance of the authority of the Nabob continued to pay only the usual revenue. *because he had strength enough to support his Contumacy*

The other case, is that of Syed Gulaum Houssein, the Historian, who had a Jaghire for life, and who allowed the Zemindar a portion of land; this Zemindary right he wished to purchase, that he might not expose his family to be ousted by the Zemindar, when his Jaghire expired upon his death, and consequently the Zemindar would be restored. No man better knew the rights of every tenure, than this learned and

improper Enforcement of Jaghere

and respectable Syed, and he would not have wished to purchase the Zemindary, if he had not known that the estate would return to the Zemindar, liable to the dues of Government, which were only alienated to him in Jaghire for life. To this very Syed Sir J. Shore applied in 1788, when he undertook his very able refutation of Mr. James Grant, and the following is one of the questions put to the Syed, with his answer.

Office
indefinite
therefore,
propriety
where is it

Question. "When any land was given as Ultumgaw Jaghire and Muddudmaush, &c., out of the territory, did the proprietor of the land receive Maliconneh from the person receiving the grant?"

Answer. "Maliconneh is due to the proprietor of land, and therefore if he received it, under the ruler, how could the Ultumgadar of Jaghiredar withhold it? Whatever

be
✗ This is all the ruler could not
lawfully deprive him of a rent-
charge on the Land not the Land itself

be its amount, it is indiscriminately allowed by one party as well as the other."

This Syed was certainly interested in giving a different opinion, and therefore this reply ought to have great weight *.

Salaries were in general allowed to men whilst in office, but the Zemindar had lands allotted him, when he did *not* become re-

Saddling

* Mr. Grant, the great opponent to the proprietary right of the Zemindar, terms the *Ultumgadar* proprietor of the soil, and is led into this mistake, by the *Ultumgadar* being always in possession. The custom of giving possession of an estate to a mortgagee, was usual formerly in England, and it prevailed in Asia. The reason is obvious.—Where the laws have little influence, no man deems himself secure of any payments from land, without possession; and therefore the Sovereign, when he transferred his land tax or revenues due from a certain extent of territory, always put the *Ultumgadar* in possession of the land, upon condition that he compensated the Zemindar for his proprietary right.

The State was the Sovereign's or he ^{sponsible} could not give possession to the *Ultumgadar* to the exclusion of the hereditary or usual Collector

sponsible for the revenue of his zemindary. This peculiarity is easily explained, if it be admitted that the land so allotted was his proprietary share. Let us suppose that our Government demanded a heavier land tax than the proprietor could afford to pay—would he not, in that predicament, throw up his estate, and request a compensation from Government? Even so did the Zemindars in Asia. And what deserves to be particularly considered, if Nankar land were allowed to every Zemindar, as an officer, we should have found in Asia many Nankars for the same pergunnah or extent of land; whereas the land so allotted is always expressed to be in lieu of the Zemindar's hereditary share of the profits arising from a specified number of villages composing his zemindary. In a letter to the Board of Revenue, I stated the impolicy of allowing tax-free lands in lieu of Maliconneh, as follows:

“ The

*Of persons
in the first
instance*

voluntarily

Share

"The Zemindars have at various times received land, in lieu of Maliconneh in specie; thus estates paying no revenue, have gradually been alienated, and these are in general cultivated to the utmost, whilst the residue of the lands depends upon the surplus labour of their Ryots for cultivation. Though this is not universally the case, yet with regret I have found that too many Ryots have taken their residence in such insulated spots."

ryots became fixed by encouragement

The reason why these rent-free lands were thus improved, was because the owners had a *fixed tenure*. And the reason why the Nizamut lands were deserted, was because the farmers and native officers, having no established interest, oppressed the cultivators. By uniting these lands, the following happy effect is produced:—That Government, which collected one hundred rupees from nine villages, through a farmer, who

who sometimes failed, has that sum now assessed on ten villages; and the Zemindar being sure that only one hundred rupees will be taken from him, will now improve for his own profit all the ten villages.—

Every new acre of land brought into cultivation, enriches Government; and the effects of this new system will, in a very short time, efface doubts from every mind.

Zemindary tenures have already become of great value, whereas in 1790, some villages in the province of Bahar actually wanted proprietors; the proprietors having either fled from former oppressions under the Mogul Government, or relinquished a troublesome tenure, under a farming system.—

Formerly, even the tenth allowed to a deprived Zemindar was rarely paid by the adventuring Farmers, who fell in arrears to Government; but in consequence of a representation from me, Government very humanely guarantied the tenth to the Ze-

F

mindar,

*not of the
legality the
possibility of
its execution*

mindar, by making themselves responsible for the payment, when the Farmers were unable.

Mr. Grant, in answer to the question, "What are the privileges of Zemindars?" answers, "*The first essential privilege is that by which the Zemindar is entitled to stand, in the place of a perpetual Farmer General, of the lawful rents claimed by Government, within the circle of his jurisdiction; nor can he, or ought he, constitutionally, to be deprived of any contingent emoluments, proceeding from his contract, during the periods of his agreement, though such should arise in concealment of the entire public resources, &c." Here we perceive that the Zemindar is entitled to stand in the place of a perpetual Farmer General. Now, to my mind, this right is inconsistent with that of an officer appointed to account to Government for his collections, and removable at pleasure. I can form no*

idea

*The penalty of concealment was
forfeiture of his office.*

idea of an official trust, which renders a man so independent of his Sovereign, that " he cannot constitutionally be deprived of any contingent emolument proceeding from a contract, *though such should arise in concealment of the entire public resources;*" but I can conceive that a Sovereign might specify, and fix his demand of tribute or land tax, for a certain term of years, and thus leave the Zemindar the surplus arising from his estate; and this, Mr. Grant terms a contract; but it is evident that Mr. Grant, in his reply, gives them many more rights than an officer, nay, more than a simple proprietor, ought to possess.

during

In Asia, as formerly in England, when the laws had little force, a mortgagee always took possession, and enjoyed the usufruct of the estate, till the original loan was repaid. Upon the same principle, a Zemindar, who was dispossessed, could not

rely upon payments in money from the Exchequer, but had land given him in lieu of his proprietary share of the produce.—The Serfshikun tenure explains fully the ideas and usage of Asia. It is a rent-free grant of land by one or several Zemindars, and the deed runs as follows :

“ Whereas we Proprietors are desirous
 “ of giving to ——— a village, where he
 “ may reside without trouble either from
 “ Government or ourselves, we hereby
 “ agree to apportion the dues of Govern-
 “ ment, amounting to ———, upon our
 “ own proprietary villages as follows ; and
 “ this Serfshikun village shall be exempt,
 “ during the life of ———, from any
 “ claim.” Then follows an account of
 the allotment, and the names of the Ze-
 mindars. This is a curious tenure, and
 would perhaps be disallowed at Delhi ; so
 perhaps would also every grant of land by

Rajahs

Rajahs and Zemindars for the Hindoo
Temples.

yes of modern date & by L. J. Lalor

In proof that the Zemindars are merely
officers, Mr. Grant produce sthree modern
funnuds or title deeds.

A.

Is from Affid Jung, Dewan of the Sou-
bah of Bengal, granting a zemindary to the
Company of the twenty-four pergunnahs.

Now this deed did not proceed from the
Sovereign, and it was granted upon a pe-
tition of the Company, to strengthen their
titles, because the inhabitants would not
be satisfied without it; and after all, the
Governor General in Council, impressed
with a sense of the injury done to the dis-
possessed Zemindars, restored most of them

in

in 1788-9, when I was a Member of the Calcutta Committee of Revenue.

B.

Is another Sunnud, not from the fove-
reign, but from the Dewan, and confirms
an adopted son in the succeffion to a Zemin-
dary, and is of little moment, being alfo
of a modern date: all it proves is, that a
Zemindar had the power of transmitting
land to his heirs.

*not without the
confirmation of the executive
Government*

C.

Is a Talookdarry Sunnud from the Com-
pany, on the difmiffion of Kiffen Sing to
Peraun, who was afterwards difpoffeffed,
and Kiffen reftored, becaufe he was the he-
reditary Zemindar.

*without
compensation
to Peraun.*

I for-

I forbear to expatiate farther upon these Sunnuds, as not one of them proves the assertion, that the sovereign used to appoint Zemindars as officers.

During the many years I sat as a Judge, and acted as a Collector, I saw numerous Ayma, Ultumga, Jaghire, and Muddut-maush Sunnuds, but never had Zemindary Sunnud submitted to my inspection; now as thousands of disputed titles to the Zemindaries came before me, I think, that the royal grants, if such had existed, would have been produced.

How!
Does this prove them hereditary or inherent rights?

From the evidence which has been produced, I think that it is sufficiently proved, that Lord Cornwallis consulted both justice and policy in establishing the rights of the Zemindars, and in fixing a perpetual land tax: the demands of Government are known and settled. All foedal taxes and tribute are abolished.

without attending to those of the Ryots &c

abolished. The Ryot is secured against oppression, and it is the interest of every party to improve their estates, and consequently to increase the revenues of Government.

By a former order, the Zemindars were not permitted to raise money upon, or to sell their estates, although their influence from extensive possessions had often made them dangerous to the sovereign, and encouraged them to rebel. We have now adopted the good policy of Henry VII. and allowed them to sell and to give away their hereditary possessions as they chuse, by which means subdivisions will soon take place, and their great fortunes will be gradually dissipated. As the Zemindar paid a gross sum to Government, the inferior ones, or Talookdars, of course accounted immediately to the Zemindar, and were left entirely at his mercy. When the old farming system was subverted, I was of course

a great
beneficial
regulation

are they
not still!

course desirous from justice and policy, to fix the revenue of every village indiscriminately, with every Proprietor whether great or small, but as the inferior Zcmindars were to be settled with in a different manner in Bengal than in Bahar, some minutes were presented by me after I took my seat at the Revenue Board in Calcutta, and in consequence of these, the Talookdary regulations were adopted*.

The Court of Directors have confirmed these regulations, and have expressed their opinion strongly in favor of what they term "a wise and important measure." Lord Cornwallis also appointed Courts of Circuit, and made many arrangements to preserve the police which was much abused by the Zemindars. He established also one coinage through the country, and thus did

*no authority
for justifying
because they do
not understand
the measures*

* See rising Resources.

away all the hardships and frauds which had before been experienced.

*This ought to have
continued the
Province of the
Zemindar*

The European Collector is allowed to have all the power that a tax gatherer possesses in Great Britain; but the dangerous privilege of judging in revenue matters formerly given to him, is now separated from him, and he is amenable to the Judge of the district.

how!

The natives are conscious of, and thankful for these blessings. The Ryots are freed from annual scrutinies, and in the enjoyments of comforts which Lord Cornwallis has procured them, may now exclaim with more than poetical truth :

“ Oh Melibæ, Deus nobis hæc otia fecit, —
Ille meas errare boves, ut cernis, et ipsum,
Ludere quæ vellem, calamo permisit agresti.”

APPENDIX.

(A.)

THE following Canongoe Minutes are given at length, to convince the advocates for the old system that the office was injurious to the Ryot, instead of being beneficial to him.

(confine)

MINUTE.

AS the report of Mr. Patterfon, Superintendant of the Canongoe Office, is before us, with the opinion of several Collectors, in answer to the Board's questions, I propose that we take into consideration the whole proceedings upon the subject, and determine, 1st, Whether the office is useful or prejudicial, by the present mode of managing it?

2dly, Whether it can be arranged, to be of any service adequate to the expence? or

3dly, Whether it ought to be abolished?

(Signed)

T. L.

5th July, 1790.

MINUTE.

UPON the 5th instant, I suggested that we should examine and come to some conclusion upon the accumulated papers laying for consideration respecting

G 2

the

the Canongoe Office ; and as I have since attentively perused them, I will not hesitate to submit the result to your deliberation; indeed not having brought a mind quite unprepared to the discussion, as my letters from Gya evince, I need not fear that my observations will incur the imputation of precipitancy.

Mr. Patterson, in his full and satisfactory Report upon the Canongoe's Office, regrets his inability to obtain a precise and certain account of its origin, some stating it antecedent to the Mogul influence, and others dating it from Akbar. Exclusive of its being a Persian name, (Canongoe, or Explainer of the Custom) I think that such officers were absolutely requisite for the speculative system which Akbar attempted of collecting by price currents from the Ryots, and which at length the Monarch was obliged to relinquish, by concluding a ten years farming settlement, for the following reasons, assigned by the author of the Ayeen Akberry :

not by the monarch

" When, through His Majesty's prudent management,
 " the bounds of the empire were greatly enlarged, it was
 " found very difficult to procure the current prices every
 " year from all parts of the kingdom, and the delays that
 " this occasioned in making the settlement, were productive
 " of many inconveniences. Sometimes the husbandman
 " would cry out against the exorbitancy of the demands
 " that were made upon him, and on the other side, those
 " who had tankhas to collect, would complain of balances.
 " His Majesty, in order to remedy these evils effectually,
 " directed

" directed that a settlement should be concluded for ten
" years."

*with whom? This did not
disfranchise
the ryots*

Whatever might have been the motives for the Canongoe institution, and whatever rules might have been anciently devised to preserve its regularity and purity, it is now generally admitted that the establishment is, in its present state, ineffectual, and converted into a great evil; for the officers, whilst they prey upon the ryots and merchants by cesses and taxes, are employed by the zemindars to deceive Government with fabricated statements and false testimonies*.

*above does
not do away
the need for
what was
instituted.
see bottom
of next page*

My experience confirms the following observation of Mr. Hatch :

" As far as ancient and prescriptive usage authorises
" the perpetuity, so far it may be proper to con-
" tinue the custom; but I am not of opinion that the
" Office of the Canongoes is of any utility; rather the
" reverse."

" The Canongoe Office of late has become of little
" consequence, since the records of all accounts re-
" lating to the revenue, was kept in the Dewannee
" Office, under the respective Collectors, and with a
" perspicuity and regularity that renders them com-

* Mr. Princeps, in page 121, pathetically exclaims to Mr. Wilberforce, " had you been as often witness as I have to the misery
" and distress of the Ryots, your heart would have bled as much
" for the depravity of their native oppressors, as in pity for the
" objects of such systematic cruelty."

*what does this quotation prove against
the Institution* " petent

“petent to answer every purpose of appeal; and it
“is now probable the limited and abstract register of
“the Canongoes will no longer be of service either
“for reference or control.”

why not
it was a cheque on the Govt's regt

It will be admitted, first, that hereditary offices cannot be serviceable, as abilities and integrity are not patrimonial; many of the officers, therefore, are incapacitated, and do their duty by deputy.

Secondly, that the allowances should not be shared, and the records divided as family property.

Thirdly, that the allowance should not be mortgaged.

Fourthly, That deputies, sharers, and mortgagees, must be liable, by poverty, to temptation and bribery.

It is acknowledged that zemindars and farmers have alienated lands rent-free to Canongoes, for connivance and assistance in plundering inferior zemindars, under renters, and ryots, and that successors have been afraid to resume them.

In short, Mr. Patterfon's report, the Provincial Council's letters, and the Collector's statements, all evince the total derangement of the office.

it might have been reformed without annihilating

That the most essential trusts may be mismanaged, every day's experience manifests; but as use should
not

not be abolished because of abuse, and as the most perfect institutions require at times modification and correction, I shall be ready to assist to render the office useful.

heroon after procured its suppression

Previous, however, to that attempt, it is incumbent on us to compare our present system with antecedent Administrations, and examine whether any motives exist for its longer duration.

The very perspicuous and detailed Report of Mr. Harrington from Seroopore, has convinced the Board and our Superiors of the impracticability of a fixed assessment upon the ryots, and of the futility of researches for *assils*, (or original rates of taxation) some *assils* having been proved to amount only to a thirty-sixth of the present jumma, whilst some begas now pay less than the *assil*; indeed, if instead of collecting old papers, it had been considered that the value of land must have heretofore varied, being richer or poorer, higher and lower, nearer and remoter, cultivated and deserted, that subsequent resolutions must have also affected the landed property, much time, expence, and labour would have been saved.

both are less

R. Resonance

But our proceedings will not, I trust, be again loaded with the jargon of Canongoe records from Akbar's Financier Toorum Mull, with standard jumma, subsequent cesses, &c.

I acknowledge that recorders and checks were necessary, under the farming system; for the new farmer having

*This rejection is here stated as apprehension by
Mr Law himself* [48]

having often come after the crops were sown, when the cultivator produced his predecessor's pottahs or deeds, he rejected them, as not binding upon him, and represented them as collusively obtained.

In this predicament, the Collector could not deny the justice of such reasoning, particularly if the new zemindar or farmer had given an increase; whilst on the other hand he could not permit an unlimited exaction from the ryots, who had been reduced to the alternative of either losing the season, in expectation of their new master, or of relying upon the Collector's protection from exorbitant demands.

Pottahs. The only rule of decision adoptable, was the ascertainment of preceding rates, by an inspection of Canongoe records.

These necessary references were always favourable to the zemindars or farmers, who, under plea of the indefinite clause in the ryot's pottah, to pay *customary cesses*, produced the extortions of preceding farmers, and accumulated burdens, till the ryots either absconded, or tumultuously gained a temporary compromise.

Sometimes the Canongoes have become farmers themselves, and *since Mednapore has been frequently introduced*, as an example to form a conclusion of the country's capability and existing assets, I beg to refer to the proceedings now under consideration, wherein the Canongoes' gross imposition upon Government, by fallacious statements, is exposed, and wherein it is proved

proved that the officer, designed as a check, is himself become the farmer; that the zemindars have been feverely maltreated; that the Treasury is obliged to refund; and that the pergunnah is impoverished.

I particularize this instance, as coming immediately before us, to display the many evils that spring from a reliance on pretended vouchers, produced by an interested individual.

The Collectors, in these cases, are placed in a perplexing and painful situation. If they do not exert themselves to produce the imagined secreted resources, they are liable to censures for remissness, and if they use coercion, they incur blame for oppression.

Government having at length determined to fix the land tax, all retrospect will be soon precluded, and as the zemindars are required to specify in a net sum, by a written engagement, their demands upon under-renters and ryots, the former accounts and confusion will be annihilated.

Mr. Harrington, speaking of his inquiries from the Canongoes, observes as follows:

"Translations of their answers to these questions I inclose, (No. 22, 23, 24.) and they will probably save the trouble of any future reference to them on the same subject, as their insufficiency, contradictions, and repeated acknowledgement of ignorance on points which it has been generally understood the Canongoes were bound to obtain, and record information on, prove, that how-

H

" ever

*The Canongoes
ought never to have
been farmers
then this
could not have
happened*

*same total
thence the
mischief*

became denied access to the Vouchers

[50]

"ever useful these officers may have been formerly, they
"now want the local knowledge requisite to render them
"of service in regulating the assessment of the Ryots."

Mr. Patterfon's remark upon the Canongoes is very pointed:

"It appears from their own answer, that none of the
"old records are now in use, from all which we may infer
"that the office in its present perverted state, so far
"from answering the purposes of its institution, must rather
"tend to furnish the Zemindars with the means of
"deceiving Government with the greater security, and that
"while it swallows up a large avowed revenue itself, it
"is secretly destroying the foundation of resources, that
"instead of giving stability to property, and security to
"the Ryot, it is now likely to become an engine of corruption,
"injustice, and oppression, and that it ought either
"to be totally reformed, or altogether abolished."

Should our sentiments accord, we may unite in forming regulations for proving and registering wills, sales, mortgages, grants, &c., for the approval of the Governor General in Council.

In short, the Canongoes were checks, or informers to prevent frauds under a vague intricate system. All indefinite claims being prohibited, Courts of Justice can be the only essential preservation of rights and engagements, but their establishment with clear laws has been postponed on account of the expences of Re-

venue

venue Officers, and the principles of collection being heretofore at variance with those of equity.

When useless offices are done away, and the land tax shall be fixed, the Government will be enabled to appropriate part of their sayings to *Adawlut*, and their leisure time to *Legislation* *.

(Signed)

T. LAW.

19th July, 1790.

MINUTE.

Mr. ——— having been against the abolition of the Canongoe Office, I flattered myself, that his present Minute was in discussion of the point proposed by me the 5th of July, "Whether the Canongoe Office can be arranged, to be of any service adequate to the expence?"

*There were
then Advocates
for Continuance!*

The Office was not originally hereditary, but for want of control, the lands and salaries have been divided; now as integrity depends upon being above indigence, and the duties cannot be performed in partnership: is the oldest sharer, or the ablest and honestest to be preferred? Should not all those who are incapable, or who are without documents, or who are absent, be excluded? In short, many difficulties occur; but these, no doubt, will be done away by the advocates for continuance.

* Separate Courts are now established.

From a fear of too much quotation, I struck some extracts out of my former Minute, and will forbear adding to the long increasing mass by opposing different opinions, or combating those cited. It seems strange, that the former "information should be found, on comparison, less favourable to the continuation of the Canongoe Office, than that now before us;" since the late unfortunate experience in Midnapore has confirmed Mr. Peerce's description differing from that of Mr. Burrowes alluded to, and since our Secretary, (whose opinion has always great weight with me,) has given strong proofs of its inefficacy upon his late deputation.

Mr. ——— first extract begins in the year 1771, as follows: "Messrs. Rous, Lushington, Rooke, Kelfoll, Wilkins, Higginson, and Rider, pronounce the department of Canongoe to be of no benefit, &c."

Near twenty years have since elapsed without any arrangement.

Mr. ——— has quoted from Mr. Patterson's first letter in 1781, when he commenced full of zeal to be serviceable, let the report of subsequent experience be perused, and all that I have written will appear moderate.

I had in former practice found the inutility of the Canongoe Office, as stated in my letter of 21st of April, 1787, and that their reports could not be relied

*They might have been compared if any
other charges ~~had~~ existed*

[53]

lied upon; for, as Mr. Patterson observes, it would appear, (if "their allegations were to be credited, that
" they have no documents, or other foundation for
" their awards and opinions than their own experience; thus, according to them, their bare word is
" to be the law, and the rights and properties of millions to depend upon their arbitrary assertions."

Mr. ——— and I have but one view, the public interest; if the Canongoe Office is to be preserved, the Board no doubt will be obliged to him for a plan of reform, and I will cheerfully add my humble suggestions, should his intimate knowledge from previous information, leave any part improveable; on the other hand, if the Canongoy is to be abolished, I will cheerfully comply with Mr. ——— wishes, in submitting to the Board, propositions for a regular registry in each district, if not anticipated; respecting the Cauzys, I have already addressed his Lordship in the Fougedary department.

That I have not been precipitate on this subject, the dates of my Minutes will attest, and if I have expressed myself strongly, I trust it will be attributed to the impressions received from my late circuit as Collector, to make the Bahar settlement, united with those from the papers before us.

In compliance with Mr. ——— request for an explanation how all future alienations are precluded by the village allotment, I beg to refer to my several letters, which remark, that formerly, whole Pergun-
nabs

nahs being farmed without the distinction of Neza-
mut, and rent-free villages, the latter were liable to
increase by collusions and connivances; but, that
when the Jumma shall be allotted upon each village,
and recorded, such village will be for ever secured,
and if others shall be added to the list upon resump-
tion, those too become in the same predicament. Por-
tions of villages also cannot be exempted from tax in
future, since it is laid upon the whole of the lands in
each village.

The *original duties* of Canongoes appear *now* to be
performed in several *distinct* departments, as follows:

1st, By the records of land tax allotment, the num-
ber and Jumma of villages are preserved.

2d, By the Adaulut Rolls, the decisions on bound-
aries and disputed titles are preserved.

3d, By the following *order*, the internal details in
villages (*if necessary*) are preserved.

“ That for every village, Putwarries shall be esta-
“ blished by the Zemindar, for the purpose of record-
“ ing the accounts of the Ryots in that village, and
“ a list of such Putwarries be deposited in the Sudder
“ Cutchery of the collectorship, and in the Cutchery
“ of your Purgunnah where the village is situated.”

4th, By the Cauzys, all marriage settlements, le-
gal

*but not the
boundaries
themselves*

*checking
himself!!*

///

gal transfers, &c., are drawn out, and by copies in the Adaulut Register these will be preserved.

I cannot indeed perceive what material duties are left for the Canongoes, and therefore, since part of the Zemindars land tax is appropriated to their support, whilst they can afford to seduce the Zemindar's Ryots to their alienated tenures, I feel it my duty to propose the office's abolition; if the old papers are of any value, let the assistant receive charge of them, and translate them.

cheque

Humanity prompted me to recommend continuance of existing officers salaries, (who had not other means of support,) till they were promoted to employments, or resigned to death. Some of the savings will be thus postponed; but on the other hand, I sincerely believe that the amount which the Canongoes obtain from the public, will be found to exceed four lacks of rupees.

(Signed) T. L.

4th of October.

M I N U T E.

In respect to the Canongoes petition for their Sudder salaries and Mofussel establishments, I think, that they are invalidated by their own statements, since they begin by acknowledging that the sums were allowed upon condition of relinquishing their Ruffooms on the Zemindars and Nankarlands, and end by their
avow-

avowing their violation of the stipulations to three times the amount of their claims.

Mr. Peerce's opinion and description of the useless Canongoe Office, has been confirmed by Mr. Burrowes' experience.

Our late proceedings respecting Midnapore, shew the fallacy of the Canongoes Records sorrowfully exemplified, and the present papers confirm in the strongest manner all the former reports respecting the irregularity and inutility of these officers.

1st, Even their two statements of their own allowances delivered in to Mr. Peerce and Mr. Burrowes, very materially differ in number of villages, and amount of fees.

2d, Both admit that they have obtained many rent-free villages, which could only be for collusion, and which it was their express duty to prevent.

The result is, that Nizamut villages are overburthened by bearing all the revenue, whilst others are Lahkherage (or tax free.) That Government pay large allowances, and that Zemindars are harrassed by fees, demands, scrutinies, &c.

Upon referring to Mr. Patterson's report for information respecting the establishment of the Midnapore and Jellalore Canongoes, I find, that after a general complaint, he particularizes these, and observes,
that

that "they seem to have considered it a common cause,
 "and to have united their endeavours to suppress
 "every information." In short, my former sentiments are more and more corroborated, and I request that this may be annexed to my Minute respecting the Canongoe Office now under your consideration.

What may be the total amount of the Canongoe establishment in Bengal and Bahar, I cannot tell.—Mr. Patterson, after long labour, finishes his report as follows :

"It is impossible to draw up an abstract of the perquisites and emoluments of the Canongoes from their own statements, because some have delivered no account at all, and some only in general terms, without giving particulars ; such as,

"1st, *Small parcels of land*, without specifying the quantity or value.

"2d, *Villages held at a small quit-rent*, without either mentioning the rent or the profits beyond it, arising from such indulgence.

"3d, *Russoom from the villages*; mentioning in some places only the rate, varying from one to two rupees per village, without specifying the number of villages.

"4th, *Fussellana*, where they mention only the rate of one rupee per village.

I

"5th,

“ 5th, *Ruffoom from the Sayer*, which they state at
 “ one-fourth of the collections, without mentioning
 “ the amount of their receipts, or of the Sayer col-
 “ lections.

“ 6th, *Dustoor upon the Tumar Jumma*, expressing
 “ the rates per cent., varying from 1 to $3\frac{1}{4}$ rupees,
 “ without noticing the amount either of their own
 “ receipts, or of the jumma upon which they are cal-
 “ culated.

“ 7th, *Fees upon Cabooleats*, at the rate of one rupee
 “ per deed, without specifying the number or the
 “ amount.

“ I shall therefore content myself with an abstract
 “ of what is directly specified in their accounts, and
 “ where no answer has been received, supply the de-
 “ ficiency from the accounts of what they were actu-
 “ ally in receipt of in the year 1773, as appears from
 “ the records in the office of the Accomptant General
 “ to the Revenue department.

“ *Total statement of the old establishment*, in money,
 “ Sicca rupees, 3,75,737 13 8.

“ *Villages specified*, 254.”

The foregoing expence of the Canongoe establish-
 ment, and the revenue of alienated villages, which
 may be supposed rather to have increased than dimi-
 nished, may go a great way to make up the amount
 of Sayer abolished.

Thus

Thus the saving of expenditure on one side would nearly balance the relinquishment of receipts on the other, whilst the country would be doubly relieved, and the land-tax more secure.

(Signed) T. LAW.
6th August, 1790.

After two years more experience of the inefficacy of the Canongoe establishment, Lord Cornwallis, with the unanimous consent of his Council, abolished it.

APPENDIX. (B.)

The reader will perceive by the following letters, how very much the jurisdictions were confused and undefined, and what prejudicial effects were occasioned by it.

“ Copy of a letter from the Revenue Board.

“ My Lord,

“ We have the honour to submit copies of a letter and enclosure from Mr. T. Law, relative to the boundaries of his district.

“ We beg leave to recommend, that the *Ganges be declared the line of division* between the Bahar and Tirhut collectorships, and that any villages now annexed to either on the opposite of this river be transferred accordingly.

“ We take leave to submit to your Lordship a further letter from Mr. Law.

“ We are, &c.”

October 29th, 1789.

“ I had the honour to address, under date the 8th of August, respecting the natural division of this district to the northward by the river Ganges.

“ I have to request, that you will determine to whom the Islands in the middle (not fordable from either side) of the Ganges appertain. Government’s interest

“ interest is equally answered by appropriating them
 “ to either side, but at present, much prejudice is
 “ occasioned by the dubiety. For first, if mutual
 “ reserve or delicacy prevents both Collectors from
 “ asserting Government’s claim, the produce is em-
 “ bezzled by the Ryots, or the rent-free Landholders,
 “ who are most vigilant. Secondly, if each Collec-
 “ tor delegates to take charge, double expence and
 “ causeless litigation ensue. Thirdly, by Govern-
 “ ment’s annexing these Islands to any one jurisdic-
 “ tion, not only every loss and disadvantage will be
 “ removed, but the Tehseeldar of Government will
 “ prevent these spots from continuing to be the har-
 “ bor of thieves, who depredate from each side; nay,
 “ he will by degrees convert them into beneficial
 “ marts.”

Gya, (Signed) THOMAS LAW.
 2nd of October, 1789.

The reader must keep in mind the breadth of the
 Ganges, near two miles, and ought to be informed
 that some of these Islands extend for miles.

The proper subdivision of the Company’s territory
 into districts, and the establishment of Collectors and
 Judges in central spots, has been of the utmost impor-
 tance. *Quoi de plus majestueux en effet et de plus
 necessaire que cette repartition en parties egales &
 uniformes, de toutes ces portions de l’empire, autre-
 fois si disparates, qui faisoient un ramas aussi revol-
 tant qu’absurde, de parties heterogenes qui contrario-
 rent en tout sens, &c.*

APPEN.

APPENDIX. (C.)

Mr. Hastings honoured me with my appointment to Gya, expressly to investigate and abolish the numerous extortions and oppressions that existed in that town. From this example, the reader will judge of the situation of the inhabitants under the whole system; my gratitude is due to Mr. Hastings, and the Members of the Supreme Council, for thus making me the instrument to do away these evils.

ABSTRACT OF GYA PROCEEDINGS.

The Canongoes of Morarpore and Gya according to order, deliver in the Dustoor ul Ammul, or record of the sources of revenue in the above places, and the method of collecting the same, as practised for many years past by a succession of Aumils.

The same being read, appears to contain an enumeration of the most grievous oppressions that ever were devised by the abuse of power, and at once accounts for the decline of trade, the desolation of the country, the ruinous state of a large city, and the solicitude of foreigners, to procure orders of exemption, as well as military force for the protection of their persons.

The Aumils, under pretence of collecting the land revenue, seem to have usurped all the powers of Government, and wantonly made use of them as instruments of oppression, to plunder the inhabitants of their property. The great distance of the place from
the

the former seat of Government, is the only method of accounting for the long existence of a scene of tyranny unknown in any other part of the Company's dominions.

This extended not only to the inhabitants of Gya, but to foreigners resorting to the pilgrimage from all parts of Hindostan, who, no doubt, shuddered at the enormities committed in their most sacred places of worship, and from this wretched specimen, must have returned to their respective countries, impressed with the most unfavourable idea of our internal policy.

First, Chowdry.

The Brahmins of Gya, called Gyawauls, proceed in bodies to every part of Hindostan in search of pilgrims, the profits of which are divided amongst them, agreeable to certain internal regulations established from time immemorial; and to which, each individual is bound under the several penalties to conform. The Aumils claimed a right to settle the disputes arising about the division of these profits, and that no partition might ever be made without litigation, they retained two or three of the fraternity in their service, who always under some pretence, laid claim to a share. Upon a complaint of this nature being made, the whole sum was immediately attached and deposited in the hands of a banker; and the parties were summoned to appear by Dustucks of horsemen and Peons, who exacted from two to ten rupees per Diem Tullubana.

The

The cause being brought forward, the parties were heard in private, and those who paid most, were sure of obtaining a decision in their favour. Exclusive of this, the avowed fee claimed by the Aumil was $\frac{1}{2}$ and $\frac{1}{10}$, which, added to the various exactions of fines and Tullūbanah, left the party gaining his cause little better for the decision.

Ordered, that this oppressive custom be abolished, and that the inhabitants of the city be informed, that all claims whatever will be decided in the Dewanny Adawlut, and that when the cause shall relate to the division of the benefactions of the pilgrims, it will be settled agreeable to their own Rut and Birt, or internal code of regulations, so long as they do not operate to the prejudice of any other person not bound by the same, or *militate* with the law of the land.

Second, A fee of $\frac{1}{4}$ on the decision of indifferent causes.

These included all claims not relating to money received from the pilgrims, and was the pretence of plundering the merchants and shopkeepers of the city.

Ordered, that this usage be abolished, and that claims of every kind will be decided according to the general regulations.

Third, One fourth of the property of a person dying insolvent, when sold for the benefit of their creditors.

Ordered,

Ordered, that it be abolished, as being illegal, and defrauding their creditors of their just demands.

Fourth, A fourth of money won at play.

This was an encouragement to sharpers to defraud the country people of their money, for which they were sure to find protection from the Aumil in return for the above consideration.

Ordered, that this collection be abolished as prescribed by law.

Fifth, Persons accused or guilty of fornication, or other crimes, to be fined agreeable to the offence.

This was the great source of the profits of the farmer of Gya, as it is of the Cutwauls of most of the cities in Hindostan. He was here enabled to plunder at discretion, because the guilty person could not complain of the oppression, without disclosing the offence. It is well known the Hindoos value their casts dearer than life. To take advantage of this rooted prejudice, the Aumil kept his female spies in every part of the city, who, under various pretences, easily intruded themselves into the houses of the inhabitants. The Priesthood of Hindostan are not remarkable for the purity of their morals, and less so at Gya, where the women are obliged to attend the temples of their Gods. Every intrigue, or the least offence against the tenets of religious duty, was brought to the Aumil by these emissaries, the parties were immediately summoned and threatened with instant discovery, unless they submitted to a fine, which was of course propor-

tioned to their circumstances. Few would venture to resist, when they knew that the dishonour of their families, and the loss of cast, must be the inevitable consequence of the publication of their disgrace.

If it was intended to draw a mulet from any man of property, for which no real pretence could be found, accusation then stood for offence, and the party was obliged to buy himself out of the entanglement.

The excess to which this was carried, may be easily imagined by those who know how the terror of falling into the clutches of a corrupt unfeeling Mussulman, operates upon the minds of the Hindoos, who so long as they remain undefiled in their cast, and have sufficient left them for the support of life, can seldom be roused by any injury into an active opposition to the encroachments of tyranny.

Tho' such wretched acts of cruelty abolish themselves upon the arrival of any regular Government.

Ordered, that the same be declared illegal, and that the inhabitants may be at once convinced that no extrajudicial interference whatever is intended, either in their property, or religious ceremonies, that the office of the Darogah of the Sudder Chubooter, the executor of these illegal acts, be removed, and his office abolished, there now being no farther occasion for the same, and that every other Chokey or post be erased, except those necessary for the collection of the authorized duties of Government.

Sixth,

Sixth, 2..6 per rupee on the decision of complaints of debt made by the Mahaguns.

Seventh, Any person taken up in the night, and put in the Cutwally to pay the Peon who guards him, 75 daums.

Eight, Dufstucks on debtors, &c.

	Rs.	As.	Ds.
An horseman, and 2 peons, per diem	2	8	
One Kircarrah — — —	1	7	
A Chitty — — —		2	
For the removal of a dufstuck to the Darogah	2	6	

Ordered, that the three last articles be abolished.

Ninth, The collection at the seven chokeys, or great entrances to the city, viz. Atchybut, Danial, Buffair, Ooteomanoos, Deogant, Geafur, and Bubygaut.

These chokeys were originally established for exacting from the poor a portion of the hard pittance gained by their daily labour. Whatever milk, ghee, fire-wood, greens, and other trifles they brought from the villages, a part of it was taken in kind, under the pretence of being appropriated to the support of the Aumil's table.

In a course of time, the receiving of kind was found not to be sufficiently profitable, being with difficulty converted into money, it was therefore changed into a duty, in many instances discretionary; the receipts were but trifling, but the exaction was of the most pernicious consequences, being vexatious,

and a great impediment to the intercourse of the villages with the city.

Ordered, that this oppressive collection, be abolished, as yielding little advantage to Government, and falling particularly hard upon the poor, exclusive of the great interruption it gives to the internal commerce of the country.

Tenth, The Baguntery Mohaul.

This oppressive tax upon marriages, though abolished throughout the provinces, has still kept its ground at Gya, contrary to the express and repeated orders of the Honourable Board.

Ordered it therefore to be abolished.

Eleventh, Double duties upon all Pilgrims coming with an equipage, that is, a horse, palanquin, &c. with duties upon entrance, and departure upon all servants carrying baggage.

Exclusive of this double exaction being contrary to the orders of Government, the first consideration in the imposition of duties should be, whether the receipts would be adequate to the vexations caused by collecting them, and whether they may not, by secondary operations, tend to the detriment of the country.

Upon recurring to the accounts of last year, it appears that the receipts from equipages amount to a mere trifle; the Pilgrims, to avoid double expence, leaving all their attendance and equipage at Benares.

So

So that the large sums that must have been expended in the maintenance of servants and cattle of all kinds, were so much lost to the country; exclusive of this, the Pilgrims were put to great inconvenience in being obliged to travel on foot, because they were afraid to bring their tattoos and horses in the Company's Dominions, the duty being almost equal to their value.

Ordered, that no distinction whatever be made between coming with or without an equipage, and that only the duty authorized by Government be demanded, and that their baggage and attendance do pass and repass duty free.

The Darogah of Merarpore represents that it has always been customary, whenever a Dhamee (cast of Brahmins) betrothed his daughter, and afterwards wished to give her to another, to take a sum of money from him for permission to break the match, and requests to know whether this collection is to be continued, an instance having lately occurred.

Ordered, that this custom be abolished as most oppressive to the liberty of the subject, and disgraceful to Government.

The Darogah farther represents that a collection has always been made on every child at the breast, whose mother have come to perform the Pilgrimage.

Ordered, that this be discontinued in future.

He also represents, that it has been customary to collect

collect a fourth, on the division of the disputes among the above Dhamies relating to their Birt or casts, with fines for the offence.

Ordered, that all disputes among persons, of whatever denomination, be brought into the Court of Dewannee Adawlut, and that all fines are illegal, unless imposed by Government.

Ordered also, that the duty collected upon palanquins, hired at Gya by aged Tacthris pilgrims to carry them to the different places of worship, be abolished.

And it appearing that a duty had been established by one of the late Aumils on the indigent Fakars, who come to perform a ceremony called the Pirrd Butor, or offering with sand of the river,

Ordered, that the same be abolished; being only three hurgahs, and of no consideration to Government, at the same time that it deprives the poor of the benefit of a ceremony, which it is equally incumbent on them to perform, as well as those in the higher rank of life.

It appears also, that notwithstanding the repeated prohibitions of the honourable Board, no less than twelve Rahdarry Chekies exist within ten miles of Gya, where all byeparries and merchants passing were obliged either to sell their goods and buy others, that
the

the Aumil might have the advantage of the duties; or if this was dispensed with, that a sum was collected upon each bullock, either for permission to let them pass, or under pretence of guarding their property at night from thieves.

It is needless to mention, that such exactions are the cause of the destruction of the inland trade; prevent the circulation of specie throughout the provinces, and account for the high price which grain bears in particular parts, from the inability of byeparries to transport the overplus of the fertile districts to where the crops have failed.

Ordered, that they be abolished, and that the byeparries have permission to pass and repass, as well as remain in the city, without paying any unauthorised duties, or being compelled to sell their merchandize against their inclination.

For the encouragement of the cloth manufactory,

Ordered, that the market duties be reduced to one half,

Ordered, that the extra ruffoon of 72 daums upon each jalty pilgrim, established by the Dumburfing, the rate renter of Gya, on the part of Kullubally Beg, be abolished.

Ordered, that certain salamies, paid by some of the inhabitants to every new Aumil, be abolished.

Ordered,

Ordered, that the custom of exacting tullubannah in the city, be abolished; and that no dustuck, or order whatever, be issued by the inhabitants, except from the Collector's Cutcherry or Dewanny Adawlut.

Ordered also, for the encouragement of shopkeepers and merchants of every kind, that one-third of the market duties be abolished.

The following is an extract from the general letter of the Honourable Court of Directors, written with the sanction of the Honourable Board of Control :

" We approve and applaud the assumption of all duties and taxes whatever, with the power of levying them from the landholders; and having seen, from the details on your proceedings, the enormous extent and complication of the abuses and oppressions committed under such names, we are of opinion that you acted wisely, as well as liberally, in proceeding to the entire abolition of these instruments of internal oppression *."

* It was originally the intention of Government to have made a settlement for ten years, without separating the *sayr*, or power of taxation, from the *Aumils*; and the reader will judge how the oppressions would have confirmed themselves during that period. Those who wish to know more of the subject, may refer to my *Rising Resources*, under the head of *Internal Taxes*.



THE END.

